

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:17-cv-00314**

VIPER PUBLISHING, LLC,

Plaintiff,

v.

HOWARD BAILEY, JR.  
*p/k/a "Chingy,"*

Defendant,

v.

LESLIE CHARLES KING, II,

Third-Party Defendant.

**ORDER**

**THIS MATTER** is before the Court on Plaintiff Viper Publishing's Motion to Dismiss Defendant's Counterclaims and Third Party Complaint (Doc. No. 32).

Defendant filed his Answer, Third Party Complaint, and Counterclaim on December 27, 2017. Plaintiff filed a Motion to Dismiss on January 17, 2018. Defendant then timely filed an Amended Answer, Third Party Complaint, and Counterclaim in accordance with Fed. R. Civ. P. Rule 15 on February 2, 2018. Plaintiff's Motion to Dismiss has been rendered moot by Defendant's Amended Complaint.

**THEREFORE** Plaintiff's Motion to Dismiss (Doc. No. 32) is hereby **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED.**

Signed: February 6, 2018

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

